

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Minor Correction to Product Description
in Mail Classification Schedule

Docket No. MC2017-80

PUBLIC REPRESENTATIVE COMMENTS ON
NOTICE OF MINOR CORRECTIONS
TO A PRODUCT DESCRIPTION

(February 3, 2017)

I. Introduction

On January 19, 2017, the Postal Service filed a notice requesting a minor classification change, pursuant to 39 C.F.R. § 3020.90.¹ The Postal Service proposes to change the Priority Mail Express International (PMEI) product description that appears in the Mail Classification Schedule (MCS). Notice at 1. Specifically, the proposed correction delineates the weight step and destination requirements for a PMEI retail discount that the Commission approved in Docket No. CP2017-20.² In that docket, the Commission directed the Postal Service to initiate this proceeding in order to update the MCS within 10 days of instituting the discounts. Pursuant to 39 C.F.R. § 3020.91, the Commission established this docket, provided public notice, appointed the undersigned Public Representative, and provided interested persons an opportunity to comment.³

The Public Representative has reviewed the Notice, the proposed MCS changes, applicable statutory and regulatory provisions, and the applicable Commission precedent. Based on this review, the Public Representative concludes that the proposed MCS changes are “minor corrections” that comply with 39 C.F.R. § 3020.90. However, for the reasons

¹ Notice of United States Postal Service of Filing Minor Corrections to a Product Description in Response to Order No. 3622, January 19, 2017 (Notice).

² See Docket No. CP2017-20, Order Approving Price Adjustments for Competitive Products, November 18, 2016 (Order No. 3622).

³ See Notice and Order Concerning Minor Corrections to Priority Mail Express International, January 27, 2017 (Order No. 3761).

stated below, the Public Representative recommends that the Commission provide the Postal Service with the opportunity to revise its notice prior to approval.

II. Discussion

The Postal Service may make minor corrections to product descriptions in the MCS by filing a request under 39 C.F.R. § 3020.90. Pursuant to § 3020.90(c), the Postal Service's request must, *inter alia*, explain why the proposed changes are not material in nature.⁴ Here, the Postal Service addresses this requirement by stating that the proposed change is not material because it "should affect only a small volume of mail." Notice at 2.

In determining whether a proposed change is material or minor in nature, "the most important consideration is the degree to which the proposed alteration affects the characteristics of the product."⁵ The Commission also considers "whether the proposed change would significantly change the user experience for the product, and whether it would significantly impact competitors offering a similar service."⁶ In other words, the Commission reviews the nature of the proposed change. The number of potential affected mailers does not have bearing on this inquiry.

The Public Representative agrees that the requested change is a minor correction, under 39 C.F.R. § 3020.90. Approving the proposed change will not affect the characteristics of the PMEI product. Mailers will benefit from discounted retail rates and continued accuracy of the MCS. The record contains no evidence that the change will significantly impact competitors offering a similar service. Additionally, Commission precedent supports the Postal Service's contention that the proposed change is a minor correction.⁷

⁴ Material changes are governed by more stringent rules, set out in 39 C.F.R. § 3020.80-83.

⁵ Docket No. RM2015-6, Notice of Proposed Rulemaking on Changes and Corrections to the Mail Classification Schedule, November 14, 2014, at 14 (Order No. 2250); see Docket No. RM2015-6, Order Adopting Final Rules on Changes and Corrections to the Mail Classification Schedule, June 16, 2015 (Order No. 2543).

⁶ Docket No. MC2016-10, Order Approving Minor Classification Changes, November 9, 2015, at 4 (Order No. 2808) (citing Order No. 2250 at 10).

⁷ See e.g., Docket No. MC2016-172, Order Approving Minor Classification Change, August 8, 2016.

However, in this case the Postal Service has not supplied a sufficient explanation as to why the proposed change is not material, under 39 C.F.R. § 3020.90(c)(1). As discussed above, the volume of potential affected mailers is not relevant to the minor or major nature of the change in question.

III. Recommendation

After evaluating the proposed change, the Commission must take one of the actions identified in 39 C.F.R. § 3020.92. The Public Representative recommends that the Commission provide the Postal Service with the opportunity to amend their notice, pursuant to 39 C.F.R. § 3020.92(d), to explain why this change is not material.

The Public Representative respectfully submits these comments for the Commission to consider.

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